

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARK WEISS

Plaintiff,

-against-

VICE MEDIA LLC

Defendants.

Docket No. 1:18-cv-66

CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER

MARGO K. BRODIE, United States District Judge:

This Civil Case Management Plan is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).

1. All parties **do not consent** to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. The parties **have** conferred pursuant to Fed. R. Civ. P. 26(f).
3. This case is governed by one of the following sets of rules and the parties' proposed dates in this order have been adjusted accordingly.
 - a. An employment case governed by the Initial Discovery Protocols for Employment cases? **No.**
 - b. A § 1983 case governed by the Plan for Certain § 1983 Cases Against the City of New York? **No.**
 - c. A patent case subject to the Local Patent Rules? **No.**
4. Alternative Dispute Resolution/Settlement
 - a. Settlement discussions **have not** taken place.
 - b. Counsel for the parties have discussed an informal exchange of information in aid of early settlement and **have agreed that they are continuing to investigate**

their claims and defenses and will informally exchange information they identify as likely to aid early settlement.

5. No additional parties may be joined after **March 29, 2018** without leave of Court.
6. Amended pleadings may be filed without leave of Court until **March 29, 2018**.
7. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than **March 29, 2019**.
8. Fact Discovery
 - a. All fact discovery shall be completed no later than **August 30, 2018**.
 - b. Initial requests for production of documents pursuant to Fed. R. Civ. P. 34 shall be served by **April 30, 2018**.
 - c. Responses to initial requests for production pursuant to Fed. R. Civ. P. 34 shall be served by **May 30, 2018**.
 - d. Interrogatories pursuant to Fed. R. Civ. P. 33 shall be served by **June 15, 2018**.
 - e. Responses to interrogatories shall be served by **June 30, 2018**.
 - f. Depositions pursuant to Fed. R. Civ. P. 30, 31 shall be commenced on **August 15, 2018**, and be completed by **August 30, 2018**.
 - g. Requests to admit pursuant to Fed. R. Civ. P. 36 shall be served by **July 15, 2018**.
 - h. Responses to requests to admit pursuant to Fed. R. Civ. P. 36 shall be served by **July 30, 2018**.
 - i. Any of the deadlines in paragraphs 8(b) through 8(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 8(a).
9. Expert Discovery
 - a. Disclosure of experts for plaintiff shall be served on **September 10, 2018**.
 - b. Disclosure of experts for defendant shall be served on **September 24, 2018**.
 - c. Expert depositions shall commence on **October 15, 2018**, and be completed by **October 29, 2018**.

- d. By **September 5, 2018**, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) expert report(s) of the party with the burden of proof shall be due before those of the opposing party's expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 9(d).
10. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Fed. R. Civ. P. 26(f)(3), are set forth below:
- a. **Subjects for Discovery.** The parties anticipate that discovery will be needed on the following topics:
 - i. the parties' respective rights with regard to alleged copyright of photograph.
 - b. **Electronically Stored Information.** At this time, the parties do not anticipate any issues with the disclosure, discovery or preservation of electronically stored information.
 - c. **Claims of Privilege.** The parties do not anticipate any issues related to claims of privilege at this time.

This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein (except as provided in paragraph 8(f)) shall be made in a written application in accordance with the Court's Individual Rules and shall be made no less than 2 business days prior to the expiration of the date sought to be extended.

The Clerk of Court is directed to enter the dates under paragraphs 5, 6, 8(a), 9(b)-(c) and 13(a)-(c) into the Court's calendar.

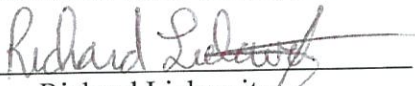
SO ORDERED.

Dated:
New York, New York

MARGO K. BRODIE
United States District Judge

Dated: March 21, 2018

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Dated: March 21, 2018

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